

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

STEVE FUNDERBURG, ROBERT DALE  
BOOTH, Guardian ad Litem for MARK  
DEXTER BOOTH, a minor, and MARK  
SAJJADI, M.D.,

Plaintiffs,

v.

UNITED STATES OF AMERICA,

Defendant.

No. C02-05461 JW

**SECOND AMENDED ORDER RE;  
COMPROMISE OF MINOR'S CLAIM**

Date: November 9, 2005

Time: 9:00 a.m.

Courtroom: 8, 4<sup>TH</sup> fl.

Hon . James Ware

Petitioner ROBERT DALE BOOTH has petitioned for approval of the proposed compromise of the claims specified in the Petition. The Court has considered the Amended Petition for Approval of the Compromise of the Minor's Claim, the Petition for Approval of the Compromise of the Minor's Claim, and the Declarations of Robert Dale Booth and David S. Rand in Support, as well as the Supplemental Declaration of David S. Rand in Support.

IT IS HEREBY ORDERED:

1) ROBERT DALE BOOTH, who was appointed by the Boulder County, Colorado District Court for the presentation and prosecution of claims on behalf of his natural son, for damages arising out of the airplane crash of August 5, 2001, is hereby appointed as Guardian ad Litem and authorized by this Court to resolve and compromise all claims pursued on behalf of Mark Dexter Booth, a minor, arising out of that airplane crash.

2) The Amended Petition is granted and the compromise of claims, as presented is GRANTED.

3) Of the total settlement of all claims of all three plaintiffs, Robert Dale Booth, Guardian ad Litem for Mark Dexter Booth, Steve Funderburg and Mark Sajjadi, M.D., of a gross amount of \$4,750,000, the Court orders a gross allocation to the minor, Mark Dexter Booth, of \$2,866,052.50.

4) The payors, Great American Insurance Company, the County of Trinity, or its liability insurer acting on its behalf, and the United States of America, shall pay the agreed upon amounts (Great American: \$1,000,000; County of Trinity: \$1,750,000; United States of America: \$2,000,000) as follows:

a) Amounts to be paid by Great American Insurance Company and the United States of America shall be paid directly into the trust account of the Law Offices of David S. Rand by wire transfer or certified or cashiers check, within 14 days of the date of this Order, or as soon thereafter as possible;

b) \$1,000,000 of the amount to be paid on behalf of the County of Trinity by its insurer shall be paid directly into the trust account of the Law Offices of David S. Rand by wire transfer or certified or cashier's check within 14 days of the date of this Order, or as soon thereafter as possible;

c) \$750,000 of the amount to be paid on behalf of the County of Trinity by its insurance carrier paid to Hartford CEBSCO, in payment of a single premium for a structured payout to Mark Dexter Booth, of monthly payments commencing at age 25 and continuing for life, with annual increases of 3%, guaranteed for 20 years, in the amount of \$3,828.00. County of Trinity or its insurance carrier will assign its obligation to make the

future periodic payments to Hartford CEBSCO pursuant to IRC 130. The annuity contract will be issued by Hartford Life Insurance Company.

5) The Court approves and orders disbursement of \$2,116,052.50 of the funds deposited into the Trust Account of Law Offices of David S. Rand, allocated to payment of the claims of Mark Dexter Booth, as follows:

a) Costs and expenses to be allocated to the minor, Mark Dexter Booth, and to be deducted from the recovery obtained and allocated to the minor, in the amount of \$180,601.44.

b) Attorneys fees to be paid for legal services rendered on behalf of the minor, Mark Dexter Booth, and to be deducted from the recovery obtained and allocated to the minor, in the amount of \$671,362.77.

c) \$80,000.00 in principal loan repayment to be paid to Dr. Mark Sajjadi

d) \$32,514.34 to be paid to Robert Dale Booth, to be used as the payoff of financing for a 2005 Honda CRV vehicle and for purchase and installation of hand controls for use by the minor

e) \$2,000.00 to be paid to Robert Dale Booth to be used for the purchase of new computer and printer for use by the minor

f) \$1,185.76 to be paid to Health Care Recoveries, in satisfaction of a lien for medical services rendered for evaluation and treatment for injuries sustained in the subject airplane crash, paid for by Blue Cross of California

g) \$2,335.20 to be paid to Advantage Receivables Mgmt, in satisfaction of a lien for medical services rendered for evaluation and treatment for injuries sustained in the subject airplane crash by Mercy Medical Center, Redding, California

h) \$3,558.00 to be paid to Robert Dale Booth to be used for the purchase of a new everyday wheelchair for the minor

i) \$1,142,494.99 to be deposited into Wachovia Securities LLC, 303 Almaden Blvd, Ste 1100, San Jose, CA 95110-2706, maintained in the name of Robert Dale Booth, trustee for Mark Dexter Booth, a minor, to be used for the purchase of United States Treasury

1 Notes, in an aggregate amount as close as possible to the full deposit, less an amount to be  
2 withheld for anticipated taxes on interest earned thereon, with the remainder to be held in  
3 an FDIC insured interest bearing account.

4 6) The Court further orders that, within 48 hours of the receipt by the trust account of the  
5 Law Offices of David S. Rand of all of the settlement funds from each payor, David Rand  
6 shall deposit the amount of \$1,142,494.99 into the Wachovia account, in accordance with  
7 the above instructions.

8 7) Petitioner and/or Petitioner's attorney shall deliver to Wachovia Securities LLC, at the  
9 address shown above, three copies of the Order to Deposit Money into Blocked Account,  
10 which is signed contemporaneously with this Order, and three copies of a Receipt and  
11 Acknowledgement of Order to Deposit Money into Blocked Account. The Petitioner  
12 and/or Petitioner's attorney shall file a copy of the receipt with this Court within 15 days of  
13 the deposit.

14 8) The blocked account belongs to a minor. The minor was born on 9/6/89. No  
15 withdrawals of principal or interest may be made from the blocked account, except to pay  
16 taxes on interest earned, without a written order under this case name and number, signed  
17 by a judge, and bearing the seal of this court, until the minor attains the age of 18 years.  
18 When the minor attains the age of 18 years, the depository, without further order of this  
19 court, is authorized and directed to pay by check or draft to the minor, or into a trust  
20 account designated by him, upon proper demand, all moneys including interest deposited  
21 under this order. The money on deposit is not subject to escheat.

22 IT IS SO ORDERED.

23 Dated: November 22, 2005

/s/James Ware

24 Hon. James Ware  
25 Judge, United States District Court  
Northern District of California